



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,354	08/20/2001	Steven O. Markel	INTE.07USU1	7832
43997	7590	06/13/2006	EXAMINER	
OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			LU, SHIRLEY	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,354

Applicant(s)

MARKEL, STEVEN O.

Examiner

Shirley Chang

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "generating at the server one or more HTML files based on one or more XSL files" is not supported in applicant's specification.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

Art Unit: 2612

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Blacketter et al. (2002/0056129) in view of Leak et al. (6668378).

As to claim 1,

Blacketter et al. disclose: A method for delivering enhanced content to a set-top box (fig. 1; [001-002]);

receiving a trigger included in a video signal input at said set-top box for indicating that enhanced content is available (fig. 3; [0031]).

Blacketter does not disclose the steps of "establishing," "receiving," "forming."

Leak teaches establishing a communication link between a server and said set-top box; receiving instructions at the set-top box for identifying a type of said set-top box; forming a request for said enhanced content; and receiving enhanced content at said set-top box for generation of an enhanced display (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

As to claim 2, Leak et al. disclose:

wherein the said request sent by the set-top box requests specific type content only (mirrors content associated with URL; fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

As to claim 3, Leak et al. disclose:

wherein the server responds to said request set by said settop box and said server establishes identity of said set-top box and only transmits enhanced content specific to that type of said set-top box (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

As to claim 4, Blackketter et al. disclose:

Said trigger is located in the vertical blanking interval of the video signal input ("trigger 1200 is encoded in VBI line 21" [0052]).

As to claim 5, Blackketter et al. disclose:

version number 404 indicates an ATVEF trigger standard version number with which trigger 400 comports ([0036]).

As to claim 6, Blackketter et al. disclose:

Art Unit: 2612

wherein said communication link is Hyper Text Transfer Protocol (Hyper Text Transfer Protocol in figs. 4-6, elements 401, 501, and 601).

As to claim 7,

Blackketter in view of Leak teach: A method for delivering enhanced content to a set-top box comprising; receiving a trigger included in a video signal input at said set-top box for indicating that enhanced content is available; establishing a communication link between a server and said set-top box; based on the decoded signal header, establishing said set-top box type; transmitting said enhanced content corresponding to said type of said set-top box; receiving the enhanced data content by said set-top box for generation of an enhanced display (the limitations are included and met as discussed in claim 1).

Although Blackketter does not specifically disclose 'sending' and 'decoding,' Leak discloses sending a signal from said set-top box to said server through said communication link; decoding a signal header at said server (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

Art Unit: 2612

As to claim 8,

said trigger is located in the vertical blanking interval of the video signal input (met as discussed in claim 4).

As to claim 9,

said trigger is a command string written in Advanced Television Enhancement Forum compliant code (met as discussed in claim 5).

As to claim 10,

said communication link is Hyper Text Transfer Protocol (met as discussed in claim 6).

As to claim 15,

Although Blacketter does not specifically disclose: "a system for delivering enhanced content to a set-top box; a set-top box that receives a trigger encoded in a video signal indicating that enhanced content is available, and in response to said trigger sends a signal containing header information conveying type and location information of said set-top box; a server that receives said signal and responds to said signal by transmitting enhanced content to said set-top box; and wherein said a set-top box receives said enhanced content and generates an enhanced display," Leak teaches the a system for delivering specific enhanced content to a set-top box whereby said content can be correctly utilized by said set-top box; a set-top box that receives a trigger encoded in a video signal indicating that enhanced content is available, and in response to said trigger sends a signal containing header information conveying identification and

Art Unit: 2612

location information of said set-top box; (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14) a server that receives said signal and responds to said signal by transmitting enhanced content to said set-top box; wherein said a set-top box receives said enhanced content and generates an enhanced display (the limitations are included and met as discussed in claim 1; (fig. 8; col 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14). Accordingly, it would have been obvious to one skilled in the art to modify Blackketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

As to claim 16,

wherein the said signal sent by the set-top box requests a specific type of content only (the limitations are included and met as discussed in claim 2).

As to claim 17,

wherein the server responds to said signal from said settop box and only transmits enhanced content specific to that type of said set-top box (the limitations are included and met as discussed in claim 3).

As to claim 18,

said trigger is located in the vertical blanking interval of the video signal input (met as discussed in claim 4).

As to claim 19,

said trigger is a command string written in Advanced Television Enhancement Forum compliant code (met as discussed in claim 5).

As to claim 20,

said communication link is Hyper Text Transfer Protocol (met as discussed in claim 6).

2. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable by Blacketter et al. (2002/0056129) in view of Leak et al. (6668378), and in further view of Call (6418441).

As to claim 11,

A method for delivering enhanced content to a set-top box comprising; receiving a trigger included in a video signal input at said set-top box for indicating that enhanced content is available; establishing a communication link between a server and said set-top box; based on the decoded signal header, establishing said set-top box type; selecting transmitting said enhanced content corresponding to said type of said set-top box; receiving the enhanced data content by said set-top box for generation of an enhanced display (see claim 1, 7).

Although Blacketter does not specifically disclose 'sending,' 'decoding,' 'generating,' 'Leak discloses sending a signal from said set-top box to said server through said communication link; decoding a signal header at said server (see claim 7).

Art Unit: 2612

based on the decoded signal header, establishing said set-top box type; selecting and transmitting HTML content corresponding to said type of said set-top box; and receiving HTML content at said set-top box for generation of an enhanced display (fig. 8; col. 10, lines 30-56; col. 12, lines 3-5; col. 4, lines 44-65; fig. 4, col. 5, line 47- col. 6, line 14).

Accordingly, it would have been obvious to one skilled in the art to modify Blacketter et al. with Leak so as to allow the different systems to be adapted to for a more customized experience.

Blacketter in view of Leak does not specifically disclose generating at the server one or more HTML files based on one or more XSL files. Call discloses generating at the server one or more HTML files based on one or more XSL files ().

It would have been obvious to one of ordinary skill in the art to modify Blacketter in view of Leak's system to teach disclose generating at the server one or more HTML files based on one or more XSL files, as taught by Call, for the benefit of being backwards compatible with browsers which do not include the ability to handle XSL/CSS (col. 23, line 55 to col. 24, line 30).

As to claim 12,

said trigger is located in the vertical blanking interval of the video signal input (met as discussed in claim 4).

As to claim 13,

said trigger is a command string written in Advanced Television Enhancement Forum compliant code (met as discussed in claim 5).

As to claim 14,

said communication link is Hyper Text Transfer Protocol (met as discussed in claim 6).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600